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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Administration of the) CC Docket No. 92-237
North American Numbering Plan)
Carrier Identification Codes (CICs))

COMMENTS OF U S WEST, INC.

Kathryn Marie Krause
Suite 700
1020 19th Street, N.W.
Washington, DC 20036
(303) 672-2859

Attorney for
U S WEST, INC.

Of Counsel,
Dan L. Poole

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I. **INTRODUCTION AND SUMMARY**

Through their correspondence, both MCI Telecommunications Corporation ("MCI")¹ and VarTec Telecom, Inc. ("VarTec")² seek to create an atmosphere of urgency regarding the public interest and impending Carrier Identification Codes ("CIC") conversion. Such atmosphere does not exist. Nor is it necessary to extend the date for blocking five-digit Carrier Access Code ("CAC") dialing until February of 1999, as MCI urges.³

While it is obvious that each day, each week and each month beyond July 1, 1998, that five-digit CAC s continue to remain dialable means that carriers such as

¹ Ex Parte Letter to Mr. Richard Metzger, Chief, Common Carrier Bureau from Jonathan B. Sallet, MCI, dated Mar. 17, 1998 ("MCI Letter"). And see Public Notice, Commission Seeks Comment on Requests for Commission Action Filed By MCI Telecommunications Corporation and VarTec Telecom, Inc. Concerning Carrier Identification Codes, CC Docket No. 92-237, DA 98-591, rel. Mar. 26, 1998.

² Letter to Geraldine Matise, Chief, Network Services Division, Common Carrier Bureau from James U. Troup and Robert H. Jackson, Arter & Hadden, LLP, Counsel for VarTec, dated Mar. 23, 1998 ("VarTec Letter").

³ MCI Letter at 10.

MCI and VarTec continue to reap the profits associated with their well-publicized dial-around offerings,⁴ the conversion from three-digit to four-digit CICs utilizing the industry-agreed upon consensus message, and a phased-in conversion schedule, is a reasonable market and regulatory approach. Neither the public interest nor individual callers are compromised by that approach.

The MCI and VarTec Letters take something of a tag-team approach to the impending CIC conversion dates. Essentially, however, both seek additional regulatory intervention as the CIC conversion process is proceeding toward culmination; and -- in MCI's case -- quite explicitly seek to extend the permissive dialing period.

VarTec supports the consensus industry language for the intercept message,⁵ but protests that not all carriers have agreed to provide the message in all cases in precisely the agreed-upon wording.⁶ While arguing that the "NIIF standard intercept message can cure [the] problem"⁷ of incorrect customer dialing, VarTec never demonstrates that a different message would not address the problem equally well. VarTec confuses the purpose of an intercept message, asserting that its job is

⁴ To this day, MCI continues to advertise its 10-321 offering on national television, utilizing the services of a well-known professional actor, making no attempt at "customer education" about the impending change.

⁵ VarTec at 2 ("A standard intercept message, which meets the requirements of the *CIC Recon Order*, has been developed using the [Network Interconnection and Interoperability Forum] NIIF processes.").

⁶ Id. at 1-5, 7-8.

⁷ Id. at 4.

to educate rather than inform,⁸ VarTec erroneously assumes that variations on the standardized message will fail to accomplish regulatory, network and market objectives.

MCI, on the other hand, attacks the language of the message itself -- wanting no carrier to deliver it. Like VarTec, MCI fails to make a case that the agreed-upon introductory message is either anticompetitive or misleading. Indeed, since the message begins with the standard sentence currently utilized with respect to misdialings and promotes efficient communication, it is hard to imagine how such a case could be made.

Finally, both MCI and VarTec challenge the need for Special Information Tones ("SIT"), which are of long-standing use in the networks of carriers. Neither carrier raised the issue of SITs in the NIIF, and seek -- for the first time before the Federal Communications Commission ("Commission") -- to litigate the use of these long-standing, routine tones. Delay seems the most likely reason for this end-around maneuver, as well. The Commission should reject these arguments out of hand.

II. MCI FAILS TO MAKE ITS CASE FOR AN EXTENSION

MCI seeks to fashion a multi-faceted case supporting an "urgent need" for the Commission "to immediately take action to extend the permissive dialing period."⁹ While leading off with its displeasure over the industry consensus standardized intercept message, it seeks to buttress its case for immediate delaying action by

⁸ See discussion below at 13-14.

citing to the BellSouth Petition for Clarification (dealing with phased-in conversions of the CIC dialing pattern)¹⁰ and the extensions granted by the Commission for a number of carriers unable to modify their switches by the Commission mandate of January 1, 1998.¹¹ MCI asserts that “[e]ach [of its recited fact situations], standing alone, requires that the Commission extend the permissive dialing period.

Collectively, they demonstrate without a doubt that if the Commission fails to extend the permissive dialing period, the public interest will suffer tremendously.”¹²

Procedurally, MCI’s request for relief fails, since MCI nowhere meets the burden imposed on a petitioner seeking an extension of a Commission Order.¹³ Indeed, MCI never acknowledges that its request seeks such relief nor cites to relevant case law. It most certainly makes no showing of “irreparable injury.” Rather, it cites to Commission actions taken at the end of 1997 and the beginning of 1998 (some months previously),¹⁴ pending filings (i.e., the BellSouth Petition) and its displeasure with the language of the industry consensus standardized intercept message.

⁹ MCI Letter at 1.

¹⁰ Petition for Clarification, BellSouth Corporation, filed herein, Nov. 26, 1997 (“BellSouth Petition”).

¹¹ MCI Letter at 2.

¹² Id.

¹³ Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990); WAIT Radio v. FCC, 418 F.2d 1153, 1158 (D.C. Cir. 1969), cert. denied, 409 U. S. 1027 (1972).

¹⁴ Petitions for extension of the January 1, 1998 switch deployment date, established by the CIC Recon. Order were filed at the end of 1997 and were acted on by the end of that year or early in 1998. See MCI Letter at n.28.

Below, U S WEST demonstrates that, contrary to MCI's conclusory assertions, independently each of these facts is insufficient to support an extension of time. Moreover, even collectively they fail to demonstrate irreparable harm either to MCI or the public.

A. The First Sentence Of The Industry Consensus Standardized Intercept Message Is Entirely Appropriate And Actually Beneficial To Callers

MCI fails to make its case that the first sentence of the consensus introductory message is anticompetitive or inappropriate.¹⁵ Such would be difficult to prove, since the sentence MCI objects to has been a part of the standard message in U S WEST's territory for years when customers dial an incorrect access code.¹⁶

No public harm has ever been demonstrated from the use of the sentence.

Furthermore, the fact that MCI seeks to litigate this type of issue before the Commission is evidence of the extent to which carriers will seek to game the regulatory process to further their own economic and business objectives. What

¹⁵ MCI Letter at 4.

¹⁶ That first sentence reads: "Your call cannot be completed as dialed." In a previous U S WEST filing, U S WEST advised the Commission of the intercept message that was already incorporated into U S WEST's network systems to be delivered in those circumstances where an individual dialed an incorrect access code. That message was: "We're sorry, your call cannot be completed with the access code you dialed. Please check the code and dial again, or call your long distance carrier for assistance." See U S WEST's Opposition to VarTec's Aug. 8, 1997 Application for Review of the Order denying VarTec's May 19, 1997 Emergency Motion for Stay. Opposition of U S WEST, Inc., filed herein, Sep. 2, 1997 at 7, n.21. This appears to be substantially the same message that Sprint Local Telephone Division ("Sprint LTD") intends to use on a going-forward basis. See VarTec Letter at Exhibit C. On Sep. 16, 1997, in response to an inquiry from the Commission Staff (Elizabeth Nightingale), U S WEST advised (through Margaret Bumgarner) that in some of our switches, the intercept message was

MCI seeks is nothing less than the micromanagement of carrier network operations and a second-guessing of operational messages and practices of some long-standing nature.

As indicated above, carrier intercept messages have for decades been provided utilizing the introductory sentence MCI complains about. Thus, there is no evidence to support MCI's claim that, by supporting the inclusion of such a sentence, "LECs [local exchange carrier] are intentionally attempting to discourage consumers from accessing IXC [interexchange carrier] services using 3-digit CICs."¹⁷ Indeed, the fact that the "consensus" reached regarding the intercept message involved the buy-in of carriers other than LECs,¹⁸ and that LECs' customers as well as those of IXCs will also be recipients of the intercept message, belies even any superficial support for MCI's assertion.

Other than MCI's totally unsubstantiated assertion that such an announcement "uses unnecessary language that discourages callers at the outset, and imposes a significant anti-competitive hardship on IXCs,"¹⁹ MCI produces no evidence that the inclusion of such a sentence produces market harm or dialing discord. U S WEST believes just the opposite is true.

slightly different, stating that "We're sorry, your call cannot be completed as dialed. Please check the number and dial again."

¹⁷ MCI Letter at 4.

¹⁸ See Letter to Richard Metzger, Chief, Common Carrier Bureau, from F. Gordon Maxson, Director, Regulatory Affairs, GTE, dated Mar. 24, 1998 at 1 ("GTE Letter").

¹⁹ MCI Letter at 4.

The recitation of the sentence allows for a type of "set-up" time for the caller. The sentence provides an opportunity for the network provider to advise the caller that a problem has occurred before the provider begins informing the caller as to how to solve the problem. This is a sort of an "I know what you're trying to do, but it is not going to work; and now I'll tell you what to do" communication.

Such a model provides the listener with a moment to focus his/her attention on the fact that some follow-up information is about to be delivered that needs to be attended to. The caller can then become more focused so as to fully grasp the delivered information.

Under MCI's approach, the listener would -- upon the incorrect dialing -- immediately begin receiving substantive information about the appropriate dialing steps. A listener who was unprepared for the delivery of such substantive information might well have to listen to the message more than once to fully appreciate the content. Such an approach would increase the inefficiency of the message delivery process. Carriers should not be obligated to craft messages that they foresee creating such inefficiencies.

Finally, as GTE recently pointed out, carriers are in the process now of converting their existing intercept messages to the industry consensus message (or variations on that message).²⁰ Such work was required to be initiated with immediacy in order to meet the June 30/July 1 date for the CIC conversion. It

²⁰ See GTE Letter at 1 (programming has been underway since February when the message was agreed upon at the NIIF).

would be a significant hardship, as well as a waste of resources and expended funds,²¹ for LECs now to be required to change the agreed-upon message.

B. BellSouth Petition For Clarification

Neither is a phased-in approach to the CIC conversion harmful to service providers or consumers, provided the conversion **begins** at the same time for all affected carriers.²² Thus, the issue of “phasing in” the CIC conversion provides no basis for a delay in the currently mandated dates.

The actual “phasing in” of the CIC conversion creates no adverse impact on IXC’s,²³ since -- if the customer education such carriers were supposed to have been doing is at all effective -- end users should not be dialing five-digit CACs after July 1st; and those few that do, and that have their calls successfully completed, are certainly not “harmed” by the fact of the call completion. Nor is the IXC processing the call in any manner harmed.

MCI continues to try to claim harm from either the lack of uniformity in precise carrier implementation plans or from their lack of information/knowledge

²¹ See note 42, infra.

²² U S WEST was quite amazed at the advocacy around the matter of a phased-in CIC conversion, given that phasing in of network changes is normally expected and fairly routine. However, the advocacy is what the advocacy is. It certainly demonstrates a range of approaches. Thus, at this point, U S WEST believes the Commission should grant the BellSouth Petition asking for clarification and hold that carriers should not begin the conversions until July 1, 1998 and may have up to 90 days to complete the conversion.

²³ For the reasons stated in U S WEST’s Comments to BellSouth’s Petition, filed herein Dec. 29, 1997 at 2-4, neither the interests of carriers nor the public are harmed by such an approach. See also Ex Parte Letter to Ms. Magalie Roman Salas, Federal Communications Commission from Elridge A. Stafford, U S WEST, dated Apr. 9, 1998 outlining why a phased-in conversion is necessary.

about those plans. While its claims have some superficial, intuitive appeal, that appeal quickly falls away when educated by the facts of the impending conversion and the impact of that conversion on IXC networks.

MCI argues that LECs should provide something in the nature of “pre-implementation and quality control plans” to IXCs because -- in the absence of such plans -- carriers such as MCI would be “without the ability to plan for the transition within its own network.”²⁴ What MCI never discloses is that it has no need for a transition in its own network, since all the work is done in the LEC network.

MCI has been accepting four-digit CICs in its network for a long time.²⁵ There is nothing new or different that needs to be done in its network when the blocking of three-digit CICs occurs. At this point, the only remaining changes associated with the “transition” involve changes in the LEC end-office switches.

²⁴ MCI Letter at 6. And see Comments of MCI in Support of BellSouth’s Petition for Clarification, filed herein, Dec. 4, 1997 at 4-5; Reply Comments of MCI on BellSouth’s Petition, filed herein, Jan. 13, 1998 at 2-3.

²⁵ U S WEST Communications deployed the capability for seven-digit CACs and four-digit CICs in early 1995, when the first four-digit CIC assignments were made in the 5XXX and 6XXX ranges. At that time, the industry’s transition plan included making the three-digit CICs into four-digit CICs by preceding the three-digit CIC with a “0,” such that when a caller dialed the five-digit CAC the end-office switch inserted the “0” to make the three-digit CIC into a four-digit CIC when routing to the appropriate trunk group from the end office or in the signaling protocol sent to the tandem switch for routing.

Stated another way, since 1995, for all U S WEST Communications Inc.’s offices, the signaling to the tandem has sent the OZZ + four-digit CIC (e.g., 0XXX, 5XXX or 6XXX). The OZZ code indicates what type of call is being routed (e.g., “084” direct distance dialed, “085” operator assist, “138” international, etc.) and the CIC indicates the carrier (e.g., 084 + 5123 = long distance call using U S WEST).

There is no change to the signaling protocol to the tandem switches or that which goes to MCI.

The final work effort associated with the transition involves getting the end office to block the capability of dialing the five-digit CACs (i.e., the “permissive dialing” that allowed end users to dial either the old five-digit CAC or the new seven-digit CAC). Instead of the end office inserting the “0” for those calls involving three-digit CICs, such calls will be routed to the intercept message, advising the caller that a new access code dialing pattern needs to be used (i.e., the seven-digit CAC).

While, as U S WEST has acknowledged, a phased-in approach might allow for a few calls to be completed utilizing a five-digit CAC dialing pattern,²⁶ it is unclear how this fact “threatens the ability of IXC’s to effectively communicate the details of the transition to their customers,”²⁷ since the carrier-customer education efforts should generally be crafted to communicate the message that five-digit CAC dialing will end on July 1, 1998.²⁸

²⁶ Comments of U S WEST, Inc., filed herein, Dec. 29, 1997 at 2-3.

²⁷ MCI Letter at 6.

²⁸ Below, U S WEST addresses the matter of LECs who have been granted waivers for switch deployments. With respect to these particular geographies, it is possible that IXC’s might need to fashion slightly different communication and education plans. However, these situations are the exception rather than the rule. Certainly, within the environment of a LEC that is already providing permissive dialing since January 1, 1998 or before and will be completing the conversion according to the currently mandated timeline, IXC’s need not be “educating” customers on the conversion office by office.

C. Granted Waivers Of January 1, 1998 Switch Deployments

While it might be the case that the number of waivers granted by the Commission could create market confusion for those members of the public who are mobile, it is unclear to U S WEST whether the scope of the “problem” is sufficient to warrant a waiver of the July 1, 1998 date, as MCI urges. Preliminary investigation and analysis suggests that it is not.

For example, our reading of the Commission’s Orders regarding the carriers who requested waivers is that the majority were granted waivers to get their switches ready to accomplish the conversion only until June 30, 1998. Only a handful of the waivers extend beyond that date, and those are for small independent LECs, mostly in rural areas.

While U S WEST is certainly not privy to the total number of access lines involved in the granted waivers, if one assumes that there might be as many as 20,000 access lines, such would still represent .00001% of all access lines.²⁹ Even then, since the majority of customers use their presubscribed carrier, the number of access lines affected would be further reduced.

Based on the above, we believe MCI has failed to make a case that the granted waivers warrant sufficient “irreparable harm” to MCI or adversely impact the public in any material way so as to warrant a further extension of time for the CIC conversion.

²⁹ Statistics of Communications Common Carriers, rel. Dec. 5, 1997 at 21, current to Dec. 31, 1996, indicating around 157.8M equal access lines. Even if the figures were doubled, this would be an insignificant impact, in U S WEST’s opinion.

III. VARTEC FAILS TO MAKE ITS CASE FOR COMMISSION INTERVENTION

A. Carrier(s)' Decision(s) Not To Deliver Standard Announcement

VarTec states that at least three carriers have declined to provide the consensus standardized intercept message and that such failure represents a “clear violation” of the Commission’s CIC Recon. Order.³⁰ U S WEST disagrees.

So long as a carrier provides a message that meets the requirements of the Commission’s Order, i.e., “*explaining* that a dialing pattern change has occurred and *instructing* the caller to contact its IXC for further information,”³¹ and so long as the message is fairly “standard” within that carrier’s operations, the carrier complies with the Commission’s mandate.

U S WEST will not here attempt to defend the actions of those carriers who have chosen not to provide the precise language as that agreed upon at the NIIF. Suffice it to say that U S WEST believes either the language we originally proposed³² or the language ultimately agreed upon by industry consensus in the NIIF meets the Commission’s objectives.³³ Similarly, slight variations on either

³⁰ VarTec Letter at 2.

³¹ In the Matter of Administration of the North American Numbering Plan Carrier Identification Codes (CICs), Order on Reconsideration, Order on Application for Review, and Second Further Notice of Proposed Rulemaking, 12 FCC Rcd. 17876, 17892 ¶ 26 (“CIC Recon. Order”) (italics added).

³² Sprint LTD, apparently, will be using such language. VarTec Letter at Exhibit C.

³³ In its original submission of NIIF Issue 78 (which occurred even prior to the Commission’s release of its CIC Recon. Order), U S WEST proposed language similar to that currently being delivered in our territory. See note 16, supra. And see VarTec Letter at 2. In November, 1997, U S WEST suggested that additional language above and beyond that already included in carrier announcements when

would not deprive the message being delivered of the appropriate substance or cause it to fail to meet the Commission's requirements (i.e., explaining and instructing).³⁴

Finally, some comment is necessary regarding VarTec's continued, but erroneous, assertion that intercept messages are designed to "educate" callers.³⁵ That is not the purpose of intercept messages. Such messages (as well as the SITs that precede them) are meant to inform customers (or, in the language of the CIC Recon. Order, to "explain")³⁶ about a change in the *status quo* that requires their attention³⁷ and to provide directions as to how to next proceed (or, in the language of

an incorrect access code was dialed was necessary under the Commission's CIC Recon. Order. See VarTec Letter at 4-5 and its Exhibit E. From the perspective of a business person, it may have appeared that U S WEST's original contribution would not satisfy the Commission's requirements under its CIC Recon. Order. From a legal perspective, it is not clear that such was the case.

³⁴ For example, in certain U S WEST switches (specifically, some of our DMS 100s), because of technical limitations in the switches, U S WEST will be modifying the consensus language with respect to the last clause, in order to render the message 11.5 -- rather than 13 -- seconds in length. Thus, rather than concluding the intercept message with the phrase "or for assistance contact the carrier you are trying to use," U S WEST's intercept message will state "or contact the carrier for help." Certainly, there is no "material" difference between these two clauses, despite the fact that U S WEST's clause is a "deviation" from the consensus language.

³⁵ VarTec Letter at 4 (arguing that if LECs fail to use the standardized intercept message that customer education will be more difficult), 5 (arguing, in the context of addressing SITs, that "the educational message" associated with the standardized announcement will be undermined by the use of SITs).

³⁶ CIC Recon. Order, 12 FCC Rcd. at 17892 ¶ 26.

³⁷ See Attachment A, "BOC Notes on the LEC Networks," SR-TSV-002275, Issue 2, April 1994, Section 6.23.2, Tones and Announcements ("Tones and announcements are used to *inform* customers and operators of various conditions encountered on dialed calls. . . . Tones are used primarily to identify the condition of called lines and network blockage or failure conditions. . . . Announcements are used when the

the CIC Recon. Order, to “instruct”).³⁸ Indeed, intercept messages are primarily designed to inform those callers who might have forgotten about the dialing changes or might have misdialed. Such messages are not an inherent component of an IXC’s customer education package.

It should be remembered that the matter of an intercept message was first raised in this proceeding in the context of VarTec’s request that the Commission mandate some type of intercept message and U S WEST’s submission indicating that intercept messages were already provided when a customer incorrectly dialed an access code. Apparently, this fact was not generally known by all carriers.³⁹ Our point was that customers would not be floating around somewhere in the ozone, unable to complete calls, once the conversion took place.

While intercept messages can certainly operate to complement IXC customer education efforts, it clearly is not the responsibility of LECs to educate customers about how to reach their desired IXC.⁴⁰ This is particularly true given the

condition encountered requires *explanation* for either customers or operators.” (Italics added)).

³⁸ CIC Recon. Order, 12 FCC Rcd. at 17892 ¶ 26.

³⁹ See note 16, *supra*.

⁴⁰ See GTE Letter at 1-2 (“The key to customer understanding of the shift to the 7 digit CACs must come from education efforts by the IXCs not reliance on a recorded intercept message.” And see CIC Recon. Order, 12 FCC Rcd. at 17892 ¶ 26 (emphasizing that it is the responsibility of individual carriers to educate their customers about changes necessitated by the CIC transition).

substantial amount of time IXCs have had to engage in education efforts -- time that even now goes unutilized.⁴¹

Thus, whether carriers deliver an intercept message in precisely the language as the consensus language or through some other message, the fundamental fact is that the customer is informed of the inability to complete the call and is advised of measures the customer can take (either contacting an IXC or dialing as directed in the message) to accomplish the call completion. LECs should not be required to expend extraordinary monetary and personnel resources to provide greater assistance with respect to IXC dialing and service offerings.⁴²

B. Carrier(s)' Decisions Not To Incorporate Information In Bills

Nor does VarTec's discussion about its negotiations with carriers over proposed bill inserts or market message suggest any grounds for the Commission to extend the permissive dialing period. Beyond the fact that such discussions were initiated pretty late in the day with respect to overall customer education efforts is the fact that -- at least with respect to VarTec's allegations against U S WEST -- the facts are not quite as painted by VarTec.

⁴¹ See Attachment B for promotional material received just this week by the author of this filing from a dial-around carrier, which fails even to acknowledge the impending end of the permissive dialing period.

⁴² In determining to provide the industry consensus intercept message, U S WEST is incurring costs that, at least arguably, were not legally necessary (see note 33, supra) but are being incurred in support of the industry consensus process. U S WEST is not seeking a recovery of these costs from the IXCs (as the Commission suggested would be permissible. See CIC Recon. Order, 12 FCC Rcd. at 17892 ¶ 26.).

For example, VarTec has no proof to support what it characterizes as U S WEST's desires in this area.⁴³ In fact, U S WEST has already issued messages on carriers' bill pages about the CIC conversion for two other carriers. And, U S WEST just recently agreed with VarTec to allow it to provide a message on its bill page about the impending conversion. This agreement was reached, however, only after VarTec agreed to change the text of its message. Having reached agreement on the text of the market message that will appear on the VarTec bill page in the upcoming months, this matter does not warrant Commission consideration.

IV. THE COMMISSION SHOULD NOT ADDRESS SITS

Both MCI and VarTec, for the first time before this Commission, object to the use of SITs with respect to whatever intercept message might ultimately be provided by a LEC with respect to the CIC conversion.⁴⁴ These objections should have been raised in the context of the NIIF discussions, and the Commission should refuse to address them here based purely on procedural considerations (including the aspect of delay associated with raising the issue in this manner).

⁴³ VarTec Letter at 6 (asserting that "U S WEST does not want VarTec's correct access code to reach VarTec's customers through U S WEST's billing envelopes"). U S WEST does not believe that this is the appropriate forum to review our panoply of billing agreements, terms and conditions and practices. Suffice it to say that U S WEST does retain editorial control over information that appears in our bills. We do retain the right to refuse messages that are contrary to our competitive interests. In this regard, VarTec is incorrect in its assertion that it is not in competition with U S WEST. Id. at 6-7. As even VarTec acknowledges, U S WEST is permitted to be in the interexchange long distance business (Id. at n.21). Furthermore, we also retain the right to require that messages on carrier bill pages are neither confusing nor misleading.

From a substantive perspective, as well, the arguments should be dismissed as lacking in merit. VarTec acknowledges that SITs “alert customers that a recorded message follows.”⁴⁵ Yet, VarTec would have this Commission mandate that no such “alert” occur, because the alerting produces a “problem.”⁴⁶ The problem is not that customers are alerted, since this would seem to be a pro-consumer result. The problem -- according to VarTec and MCI -- is that customers sometimes/often hang up upon hearing such tones.⁴⁷

U S WEST does not dispute that some customers hang up when they hear SITs. Similarly, we believe that some customers hang up when they hear the beginning of a recorded message. Thus, eliminating the SITs would probably have no material impact on the “hang-up phenomena.”

In our opinion, the hang up phenomena generally has to do not with the fact that the customer has actually encountered a SIT or a recording but rather with the customer’s assumption that it must have misdialed or reached a wrong number or it would not have encountered the tone or the recording in the first instance. Generally, we would expect such customers to redial. Upon encountering the SIT or

⁴⁴ MCI Letter at 4; VarTec Letter at 5.

⁴⁵ VarTec Letter at 5.

⁴⁶ Id.

⁴⁷ Id. (VarTec does not even plead factually that customers hang up. Rather, it expresses a “concern[] that callers have been so conditioned by SIT that a recorded message follows, such that many people simply hang up the phone before hearing the complete message.”); MCI Letter at 4 (referencing some “research” it conducted showing “that a high volume of callers typically hang up immediately upon hearing a SIT,” but not providing any substantive information about the referenced “research” for others to peruse.).

the recording a second time, the customer will be more inclined to listen to the complete message.

Finally, while VarTec argues that the industry consensus standardized intercept message should be treated as a customer-negotiated message (thus, being able to bypass a SIT),⁴⁸ the very existence of the nomenclature “industry consensus standardized intercept message,” as well as its genesis in a federal regulatory mandate,⁴⁹ belies it being a customer-negotiated message. It is an industry-agreed upon message, crafted pursuant to a mandate from this Commission.

No discussion, at the industry level, was had regarding the use or non-use of SITs with respect to the delivery of the message. VarTec and MCI should not now be heard to complain about a common industry practice when they did not have the common courtesy to raise it in the industry decision-making process where integrally-related matters were being addressed. The Commission should reject their arguments.

V. CONCLUSION

U S WEST urges the Commission to carefully scrutinize the advocacy of both MCI and VarTec. It is clear that, from a competitive perspective, competition will be harmed by allowing some carriers to continue promoting and providing five-digit CAC dialing, while other carriers (usually more recent entrants) are required to utilize seven-digit CACs.

⁴⁸ VarTec Letter at 5-6.

⁴⁹ CIC Recon. Order, 12 FCC Rcd. at 17892 ¶ 26.

Furthermore, carriers implementing the Commission's mandates in this area have already invested the necessary funds to accomplish the Commission's conversion objectives. Most large carriers -- like U S WEST -- have been ready to go on this initiative since last year.⁵⁰ Given the competitive disparity and the sunken investment, MCI and VarTec should be required to overcome a heavy burden to accomplish a change in the Commission's current scheduling.

Given that VarTec may have failed to demonstrate any harm from what it purports to be "violations" of the Commission's CIC Recon. Order,⁵¹ that MCI has totally failed to demonstrate irreparable harm warranting an extension of the permissive dialing period, and that both VarTec and MCI have failed to demonstrate any public interest harm and inappropriately seek to embroil the

⁵⁰ U S WEST generally opposed any extension of the conversion date but indicated that if any were granted, a "modest" extension along the lines proposed by Sprint might be appropriate to accommodate those customers who needed additional time to program their equipment. See Opposition of U S WEST, Inc. to Filed Petitions for Reconsideration, filed herein, June 19, 1997 at 2-5; Reply Comments of U S WEST, Inc., filed herein, July 2, 1997 at 2-3.

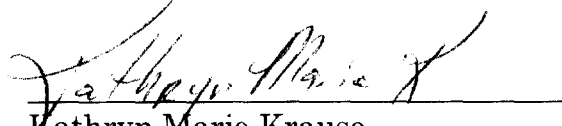
⁵¹ VarTec Letter at 2.

Commission in the most mundane of network architecture and operational issues,
the Commission should reject the requests for relief proffered by these two carriers.

Respectfully submitted,

U S WEST, INC.

By:


Kathryn Marie Krause
Suite 700
1020 19th Street, N.W.
Washington, DC 20036
(303) 672-2859

Its Attorney

Of Counsel,
Dan L. Poole

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ATTACHMENT A

BOC Notes on the LEC Networks - 1994

SR-TSV-002275

Signalling

Issue 2, April 1994

the station is on- or off-hook. In some cases, receiver off-hook tone is applied instead of ringing when the station is off-hook. With the latter, ringing is applied only if the station is on-hook.

Unrestricted ringback is provided

- For all coin lines regardless of serving office type
- For all single-party electronic switching system lines
- For all single-party lines in electromechanical offices that have no party lines.

Restricted ringback is used to guard against annoying a customer if the operator should attempt to ring back against a party line and rings the wrong party.

With loop trunks to the end office, 20-Hz ringing or reverse-battery can be used as the ringback signal. Non-coin trunks can use a single wink, while coin trunks can use multifrequency tones or multiwink, as described later, as a ringback signal. See Section 6.17.1 for ringback protocols from OSPS or TSPS.

An emergency ringback method is available for use with recording-completing trunks from some end offices. In this case, an operator, having determined that some emergency exists on a line that has gone on-hook after being answered, can attempt to identify that line. By operating a common emergency ringback key in addition to the appropriate cord ringing key, the operator will cause that line to be rung sequentially with each possible ringing combination. If any party responds, the operator can determine a number and from this can identify all parties on the line from office or test desk records. Emergency ringback is not provided with the OSPS or TSPS. Therefore, OSPS or TSPS cannot ring back a multiparty line.

6.23.2 Tones and Announcements

Tones and announcements are used to inform customers and operators of various conditions encountered on dialed calls. They are also required for service analysis of conditions that result in failure to complete dialed calls. Analysis data are used to evaluate administrative, engineering, and maintenance efforts to improve service.

Tones are used primarily to identify the condition of called lines and network blockage or failure conditions. Generally, a low tone interrupted at 60 IPM indicates that the called customer's line has been reached but is busy. A low tone interrupted at 120 IPM indicates that the end or tandem switching or transmission paths to the office or equipment serving the called customer are busy.

Announcements are used when the condition encountered requires explanation for either customers or operators. Announcements explain the type and severity of the condition and suggest the appropriate action to be taken.

Prior to the advent of distance dialing, local options on announcements and tones created no serious problem. However, with the widespread use of direct distance dialing, a variety of tones or announcements for the same conditions can be confusing to the

customer, the service evaluator, or the automatic call-detection devices that make use of tone and announcement information. Nonuniformity makes it impossible to analyze performance results with any degree of accuracy. The introduction of standard prerecorded announcements allows service evaluators to identify each type of announcement by certain key words in the announcement. Automated call-detection devices identify calls terminating in announcement systems by use of prerecorded Special Information Tones (SITs). SITs are covered in detail in CB 154, *Specifications for Special Information Tones (SIT) for Encoding Recorded Announcement*.²⁹

Special Information Tones

SITs permit mechanized call detectors and classifiers to accurately classify calls that reach recorded announcements resulting from network conditions to Reorder (RO), Vacant Code (VC), No Circuit (NC), Intercept (IC), and Ineffective Other (IO). Five encoded SITs (RO' SIT, NC' SIT, VC, IO, and IC) are intended for use by the BOCs to indicate network conditions encountered in the intraLATA networks. Two separate encoded SITs (RO" SIT and NC" SIT) are intended to indicate network conditions encountered in the exchange access or InterLATA networks. Figures 6-93 and 6-94 provide further clarity in the use of SIT in the BOC intraLATA and the interchange carrier interLATA networks. In addition, one tone has been designated for future use.

SIT, as defined by the CCITT, consists of a sequence of three precise tone segments with frequencies of 950 ± 50 Hz, 1400 ± 50 Hz, and 1800 ± 50 Hz, sent in that order. Each segment is allowed a duration of 330 ± 70 ms with a silent interval of up to 30 ms between segments. The nominal tone level is -24 dBm0* with limits of not more than ± 1.5 dB measured with continuous tone. The difference in level between any two segments is required to be less than 3 dB. The above requirements apply at the point at which tones are applied to the network. The first and second tone segments have either a short or long duration, and the frequency state is assigned to either the lower or higher part of the frequency band allowed by CCITT. The third tone segment may be of either long or short duration but is limited to the lower frequency state. For this initial application, the third tone segment has been assigned both a fixed long duration and a fixed lower frequency. These fixed assignments provide reference or calibration points for detection devices.

* dBm0 = decibels (dB) relative to 1 mW measured at the 0dB TLP.